REMARKS

The Official Action mailed January 7, 2010, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on September 26, 2006, and May 3, 2007.

Claims 11-16 are pending in the present application, of which claims 11, 13 and 14 are independent. Claims 11, 13 and 14 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 6 of the Official Action rejects claim 11 under 35 U.S.C. § 112, first paragraph, asserting that "[t]he claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention" and is specifically concerned with the terms "uttered" and "unuttered" (page 3, Paper No. 20091231). The Applicant respectfully disagrees and traverses the assertions in the Official Action.

The Applicant respectfully submits that one of ordinary skill in the art, upon review of the present specification, would understand that the meaning of "uttered" and "unuttered" corresponds with "sonant" and "silent," as described throughout the present specification. Therefore, claim 11 contains subject matter which was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

Paragraph 9 of the Official Action rejects claims 11 and 12 as obvious based on the combination of WO 99/27745 to Johnson, U.S. Patent No. 6,427,135 to Miseki and

U.S. Publication No. 2005/0080870 to Marks. Paragraph 10 of the Official Action rejects claims 13-16 as obvious based on the combination of Johnson and Marks. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended.

The Applicant has amended the claims to include the technical features concerning how, at a receiving end, to use a "steal flag" set at a transmission end to identify whether or not all of a predetermined number of continuous frames of voice data (which is generated at a transmitting end) are sonant audio. Specifically, each of the amended independent claims 11, 13 and 14 clearly recites the following technical features: in such a way that if it is identified by the steal flag that all the N frames of voice data are sonant audio, the N frames of voice data are sequentially outputted, and

if it is identified by the steal flag that at least one of the N frames of voice data is data of identifying the group are individually decided, and each of frames of valid voice data is outputted while performing predetermined protocol processing on the basis of valid group identifying data. These features are supported in the present specification, for example, by steps S201, S202, S203, S204, S206 and S208 in the flow chart shown in Figure 6 and the corresponding descriptions in the specification.

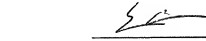
The Applicant respectfully submits that Johnson, Miseki and Marks or Johnson and Marks, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

Since Johnson, Miseki and Marks or Johnson and Marks do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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